

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

O'Day

Serial No.: 10/735,971

Filed: 12/15/03

Confirmation No.: 4281

Atty. File No.: 3123-551 (MFB 16420-02103)

For: “ MAGNETICALLY ALIGNED DISK
DRIVE VOICE COIL MOTOR MAGNETS
AND METHOD OF ALIGNING THE SAME ”

) Group Art Unit: 3729

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) Examiner: P. Kim

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) RESPONSE TO RESTRICTION

) REQUIREMENT

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<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450 ON _____.</p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE, LLP</p> <p>BY: _____</p>

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this Response to address the comments provided by the Examiner in an Office Action having a mailing date of April 24, 2004. Generally, the Examiner is taking the position that multiple inventions are being presented in the above-captioned patent application: Group I (Claims 1-21) and Group II (Claims 22-38). Initially, Applicant assumes that pending Claim 39 should be included with Group II, as it depends (indirectly) from independent Claim 22 of Group II.

Applicant provisionally elects Group I (Claims 1-21) with traverse. The Examiner is taking the position that the inventions of Group I and Group II are related as combination and